

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DAVID SEMONES,

Petitioner,

v.

PAUL THOMPSON,

Respondent.

No. 2:21-cv-1943 DJC DB

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 25, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within twenty days. (ECF No. 9.) Those twenty days have passed and Petitioner has not filed objections to the findings and recommendations.

Although it appears from the file that Petitioner's copy of the findings and recommendations was returned, petitioner was properly served. It is the Petitioner's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully

effective.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 25, 2023 (ECF No. 9) are adopted in full;

2. The petition for writ of habeas corpus (ECF No. 1) is dismissed without prejudice; and

3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated: September 2, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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